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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,289	04/24/2001	Antonio Atwater	338528002US1	7918
28524 7590 09/06/2007 SIEMENS CORPORATION INTELLECTUAL PROPERTY DEPARTMENT 170 WOOD AVENUE SOUTH ISELIN, NJ 08830			EXAMINER NGUYEN, PHUONGCHAU BA	
			ART UNIT 2616	PAPER NUMBER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

### Application No.

09/843,289

### Applicant(s)

ATWATER ET AL.

### Examiner

Phuongchau Ba Nguyen

### Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 5-2-07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 25-100 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-100 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date: \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

*Claim Rejections – 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 25, 27, 29, 36, 38, 41-42, 45-47, 49-50, 54-55, 57-58, 61, 68, 70-71, 74-75, 77-78, 80, 81, 84, 91, 96-97, 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers (6,346,964) in view of Day (5,941,951)

Regarding claims 25, 46, 58, 75, 81,

Rogers (6,346,964) discloses a method in a computer system for distributing lists of available channels to subscriber units, each channel being assigned an IP multicast group, the method comprising:

receiving from a subscriber unit a request for a list of available channels (programs, see col.12, lines 45-48 wherein upon user's selected program, the

user would be tuned to the selected channel having the selected program that will be playing on the selected channel—emphasis added, see also col.9, lines 34–49), the request including information identifying a subscriber (fig.7a, step 701, the identity of the subscriber is inherent in the request so that the server could be able to send back a list of available program—emphasis added), and upon receiving the request,

identifying one or more available channels that the identified subscriber is permitted to access (fig.7a, step 702), and

sending to the subscriber unit a response to the received request with an indication of the identified channels, identifying the IP multicast group assigned to each identified channel (fig.7a, step 702).

Rogers does not explicitly disclose the request being sent using HTTP protocol. However, in the same field of endeavor, Day discloses a video-on-demand request from any network-connect client using variety of format, i.e., HTTP or IP Multicast (col.5, lines 48–65). Therefore, it would have been obvious to an artisan to apply Day's teaching to Roger's system with the motivation

being to enable user to access or schedule a multimedia data presentation in a more efficient and reliable manner.

Regarding claims 27, 47,

Rogers discloses wherein the identifying of one or more available channels identifies less than all of the available channels (fig.7a, step 703).

Regarding claims 29, 49, 61, 84,

Rogers discloses wherein available channels are provided to the computer system by receiving from a plurality of content providers indications of channels that are made available by that content provider (fig.7a, step 702).

Regarding claims 36, 50, 68, 78, 91,

Rogers discloses wherein the computer system is located at a central office (abstract).

Regarding claims 38, 70, 93,

Rogers discloses wherein an available channel is a channel whose data is currently being multicasted (page 310, right column, second paragraph).

Regarding claims 41, 54, 96,

Rogers discloses providing a subscribed channel list for a subscriber that indicates the channels which the subscriber is permitted to access (fig.7a, step 702).

Regarding claims 42, 55, 71, 80, 97,

Rogers discloses wherein data for a channel is received at the computer system and forwarded to the subscriber unit (fig.7a, step 702).

Regarding claims 45, 57, 74, 100,

Rogers discloses wherein the request is sent in response to the subscriber requesting to view the list (fig.7a, 706).

3: Claims 33-34, 65-66, 88-89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers (6,346,964) in view of Day (5,941,951) as applied to claims 25, 46, 75, 81 above, and further in view of Alexanders (6,324,163).

Regarding claims 33, 65, 88,

Rogers discloses all the claimed limitations, except wherein the channel source address is an ATM channel.

However, in the same field of endeavor, Alexander (6,324,163) discloses wherein the channel source address is an ATM channel (col.2, lines 40-44).

Therefore, it would have been obvious to provide data over ATM network unicastly.

Regarding claims 34, 66, 89,

Rogers discloses all the claimed limitations, except wherein the channel source address is an ATM virtual path and transmission circuit.

However, in the same field of endeavor, Alexander (6,324,163) discloses wherein the channel source address is an ATM virtual path and transmission circuit (col.2, lines 40-44). Therefore, it would have been obvious to apply

Alexander's teaching to Rogers's system with the motivation being to provide data over ATM network unicastly.

4. Claims 28, 30-31, 37, 48, 51, 60, 62-63, 69, 76, 79, 83, 85-86, 92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers (6,346,964) in view of Day (5,941,951) as applied to claims 25, 46, 58, 75, 81 above, and further in view of Hari (IEEE-1996, Techniques for Improving the Capacity of Video on Demand).

Regarding claims 28, 48, 60, 76, 83,

Rogers discloses all claimed limitations, except wherein the response is sent via unicast to the subscriber unit.

However, in the same field of endeavor, Hari discloses wherein the response is sent via unicast to the subscriber unit (page 311, right column, 42-46). Therefore, it would have been obvious to an artisan to apply Hari's teaching Rogers's system with the motivation being to provide one user requesting a video.



Regarding claims 30, 62, 85

Rogers discloses all the claimed limitations, except wherein an indication that a channel is made available by a content provider is sent using a session announcement protocol.

However, in the same field of endeavor, Hari discloses wherein an indication that a channel is made available by a content provider is sent using a session announcement protocol (abstract, lines 8-11; page 309, right column, lines 16-17). Therefore, it would have been obvious to an artisan to apply Hari's teaching to Rogers's system with the motivation being to provide a user the flexibility of selecting the content as well as scheduling the program that the user wants to watch without disturbed.

Regarding claims 31, 63, 86,

Rogers discloses all the claimed limitations, except wherein each available channel has a channel source address that is provided by the content provider.

However, in the same field of endeavor, Hari discloses wherein each available channel has a channel source address that is provided by the content provider (movies/videos being broadcasted for pay per view or on-demand on cable TV from video server, fig.1). Therefore, it would have been obvious to an artisan to apply Hari's teaching to Rogers's system with the motivation being to provide a user the flexibility of selecting the content as well as scheduling the program that the user wants to watch without disturbed.

Regarding claims 37, 51, 69, 79, 92,

Rogers discloses all the claimed limitations, except wherein a subscriber unit is connected to the computer system via a DSL connection.

However, in the same field of endeavor, Hari discloses wherein a subscriber unit is connected to the computer system via a DSL connection (page 308, right column, third paragraph). Therefore, it would have been obvious to an artisan to apply Hari's teaching to Rogers's system with the motivation being to improve the capacity of video on demand system.

5. Claims 26, 32, 35, 39-40, 44, 52-53, 59, 64, 67, 73, 82, 87, 90, 94-95, 99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers (6,346,964) in view of Day (5,941,951) as applied to claims 25, 46, 58, 75, 81 above, and further in view of DeSimone (6,011,782).

Regarding claims 26, 59, 82,

Rogers discloses all the claimed limitations, except when the subscriber selects to access a channel indicated in the response, the subscriber unit sends to an IP router a request to join the IP multicast group assigned to the channel selected to be accessed and whereby the IP router routes the data of the selected channel to the subscriber unit.

However, in the same field of endeavor, DeSimone discloses when the subscriber selects to access a channel indicated in the response, the subscriber unit sends to an IP router a request to join the IP multicast group assigned to the channel selected to be accessed and whereby the IP router routes the data of the selected channel to the subscriber unit. (abstract, lines 7-16). Therefore,

it would have been obvious to an artisan to apply DeSimone's teaching to Rogers's system to provide conference over IP.

Regarding claims 32 & 39-40, 52-53, 64, 94-95,

Rogers discloses all the claimed limitations, except wherein the channel source address is an IP address.

However, in the same field of endeavor, DeSimone discloses wherein the channel source address is an IP address (abstract, lines 9-11). Therefore, it would have been obvious to an artisan to apply DeSimone's teaching to Rogers's system with the motivation being to provide real time interactive distribution of multimedia information using the multicast IP service.

Regarding claims 35, 67, 90,

Rogers discloses all the claimed limitations, except wherein when a subscriber selects to receive an available channel indicated in a response, the subscriber unit sends a request to join the IP multicast group associated with the selected channel.

However, in the same field of endeavor, DeSimone discloses wherein when a subscriber selects to receive an available channel indicated in a response, the subscriber unit sends a request to join the IP multicast group associated with the selected channel (abstract). Therefore, it would have been obvious to an artisan to apply DeSimone's teaching to Rogers's system with the motivation being to provide a conference to only the requested client.

Regarding claims 44, 73, 99,

Rogers discloses all the claimed limitations, except wherein a multicast group is identified by an IP address.

However, in the same field of endeavor, DeSimone discloses wherein a multicast group is identified by an IP address (abstract). Therefore, it would have been obvious to an artisan to apply DeSimone's teaching to Rogers's system with the motivation being to provide packets only to the requested client over the multicast IP network.

6. Claims 43, 56, 72, 98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers (6,346,964) in view Acharya (5.903,559).

Regarding claims 43, 56, 72, 98,

Rogers discloses all the claimed limitations, except wherein data received at the computer system is sent via a switched virtual circuit.

However, in the same field of endeavor, Acharya (5.903,559) discloses wherein data received at the computer system is sent via a switched virtual circuit (col.10, lines 42-55). Therefore, it would have been obvious to an artisan to apply Acharya's teaching to Rogers's system with the motivation being to provide transmits data as a series of variable length packets, each having a circuit number that identifies its source and destination address.

#### *Response to Amendment*

7. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

8. Applicant's arguments filed 5-2-07 have been fully considered but they are not persuasive.

Applicant argued that neither Roger (US PAT 6,346,964) or Day (US PAT 5,941,951) taught or suggested "receiving from a subscriber unit a request for a list of available channel" and that a "list" of "programs" does not teach, explicitly or inherently, "a list of available channels" according to how the word "channel" would be construed "in light of the specification" "by one of ordinary skill in the art".

In reply, applicant is directed to figure 7A-step 702 wherein the switch sends a list of available programs to user 221, and in column 12, lines 45-48 wherein upon user's selected program, the user would be tuned to the selected channel having the selected program that will be playing on the selected channel-emphasis added, see also col.9, lines 34-49). Therefore, the program provides information pertaining to the channel selected; and this information can be a detailed schedule of the programming that has played or will be played on the channel selected, emphasis added. Thus, by selecting a program, the user has also selected the channel that the program would be played on.

Hence, the list of available programs in Rogers constitutes the list of available channels.

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose



telephone number is 571-272-3148. The examiner can normally be reached on Monday-Friday from 10:00 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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